IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO. 5461 OF 2005
IN
CRIMINAL APPEAL NO. OF

The State of Maharashtra .. Applicant

Vs.

Malluram @ Bhujiya Satnarayan Gupta .. Respondent

Ms. A.S. Pai, APP for applicant-State.

CORAM : B. H. MARLAPALLE & SMT. R.S. DALVI,JJ.

Date : January 25, 2006.

P.C.:

1. Heard the learned APP. The respondent-accused has been acquitted for the offences punishable under Sections 302, 392 and 397 of IPC by the learned 3rd Ad-hoc Additional Sessions Judge, Thane in Sessions Case No.281 of 2004 and this order of acquittal is sought to be challenged by way of an appeal.

2. We have considered the arguments advanced by the learned APP and the reasoning set out by the trial court in support of the order of acquittal. We are satisfied that this is a fit case to grant leave to appeal under Section 378(3) of Cr.P.C. Hence, leave is hereby granted.

3. Appeal is admitted.

4. Action under Section 390 of Cr.P.C. to follow against the respondent-accused. The learned 3rd Ad-hoc Additional Sessions Judge, Thane to submit compliance report to the Registry of this court within six weeks.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**